

Introduced by Senator Chesbro

February 18, 2005

An act to amend Section 4015 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 482, as introduced, Chesbro. Napa State Hospital: cemetery restoration.

Existing law sets forth the powers and duties of the State Department of Mental Health, including, but not limited to, the administration of the state hospitals for the mentally disordered, the licensing of psychiatric facilities, and oversight responsibilities related to the provision of local mental health services.

Existing law requires the department to take administrative oversight actions relating to the deaths and burials at state hospitals and developmental centers, to assist the California Memorial Project in developing a plan for the restoration of gravesites and cemeteries on state lands designated by the state for burial of state hospital or developmental center residents, and to report to the Legislature by January 31, 2004.

Existing law prohibits the state from making structural changes to existing gravesites on state hospital or developmental center lands prior to submission of the plan, or which do not conform with the plan.

This bill would require the department to develop a workplan for the restoration of Napa State Hospital gravesites, would exempt the workplan from the prohibitions against structural changes, and would require the Governor to submit the workplan and the proposed budget as part the Governor's proposed 2006–07 fiscal year State Budget.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4015 of the Welfare and Institutions
2 Code is amended to read:
3 4015. (a) The State Department of Mental Health shall, in
4 coordination with the task force described in subdivision (c) and
5 with other state entities, including, but not limited to, the
6 Department of General Services, the State Department of
7 Developmental Services, the Secretary of State, and the
8 California State Library, do all of the following:
9 (1) Conduct and complete inventories of all of the following:
10 (A) All materials and records necessary to create the most
11 complete record of persons who died while residing at any state
12 hospital as defined in Section 7200, or any developmental center
13 as defined in Section 4440.
14 (B) Within existing resources, identify the location of all
15 gravesites at existing state hospitals and developmental center
16 lands and of gravesites not located on state lands but designated
17 by the state for burial of state hospital or developmental center
18 residents. This shall include the location of remains that may
19 have been moved from their original burial site and the location
20 of grave markers that may have been moved from gravesites.
21 (C) Within existing resources, identify the names of patients
22 whose remains were donated for medical research, the entity to
23 which the remains were donated, and the final disposition of
24 those remains.
25 (2) Assist and cooperate with the California Memorial Project
26 in conducting research regarding the records of deaths and
27 burials of persons at state hospitals and developmental centers
28 and cemeteries based on the grounds of these facilities. This
29 assistance shall, subject to paragraph (3), include the granting of
30 access to those state records as necessary to perform the
31 inventories described in this section.
32 (3) Notwithstanding Sections 4514 and 5328 or any other
33 provision of law regarding confidentiality of patient records, the
34 information described in this section shall be limited to the name,
35 date of birth, date of death, and photographic images of any

1 person who died while in residency at any state hospital or
2 developmental center and shall be made available for the
3 purposes of the implementation of this section. The exportation
4 and use of these records or photographic images from state
5 facilities shall be limited to the information delineated within,
6 and the purposes of, this section.

7 (4) Assist the California Memorial Project in developing a
8 plan for the restoration of gravesites and cemeteries at state
9 hospitals and developmental centers and gravesites not located
10 on state lands but designated by the state for burial of state
11 hospital or developmental center residents.

12 (5) Develop a protocol for the future interment of patients who
13 die while residing at a state hospital or developmental center and
14 are unclaimed by a family member.

15 (b) The department may develop a protocol to coordinate the
16 efforts of the state entities described in subdivision (a).

17 (c) (1) The department shall establish a task force to provide
18 leadership and direction in carrying out the activities described in
19 this section. The task force shall consist of representatives
20 selected by each of the following entities:

21 (A) The Peer Self-Advocacy Unit of Protection and Advocacy,
22 Inc.

23 (B) California Network of Mental Health Clients.

24 (C) Capitol People First.

25 (2) To the extent that funding is available, task force members
26 shall be reimbursed for necessary travel expenses associated with
27 serving on the task force. When requested by a task force
28 member with a disability, the state shall pay the cost of a
29 facilitator chosen by the task force member.

30 (d) ~~In~~ Except as set forth in subdivision (e), in implementing
31 this section, the state shall make no structural changes to existing
32 gravesites on state hospital or developmental center lands prior to
33 the submission of, and which do not conform with, the
34 restoration plan described in paragraph (4) of subdivision (a).

35 (e) Pursuant to the restoration plan developed pursuant to
36 paragraph (4) of subdivision (a), the department shall develop a
37 workplan for the restoration of gravesites located at, or
38 previously located at, Napa State Hospital. The Governor shall
39 submit the workplan, and a proposed budget to implement the

1 *workplan, as part of the Governor's proposed 2006–07 fiscal*
2 *year State Budget.*
3 (f) The department shall submit a status update on the
4 implementation of this section, including a description of
5 barriers, if any, to conducting the activities described in this
6 section, to the Legislature by January 31, 2004.